

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/220

<u>Applicant</u>	:	Good Kind Investment Limited represented by Allgain Land Planning Limited
<u>Site</u>	:	Lots 25 S.A, 26 S.A and 27 (Part) in DD. 38, Lots 804 (Part), 806, 807, 808, 809, 811, 812, 813, 823 S.B RP, 824 S.B RP, 825, 826 (Part), 827, 828 S.B RP in D.D. 46 and Adjoining Government Land (GL), Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 5,120m ² (including about 228m ² of GL, or about 4% of the Site)
<u>Lease</u>	:	(a) Block Government Lease (demised for agricultural use) (b) Letter of Approval (LoA) No. L5312 (for erection of temporary agricultural structures)
<u>Plan</u>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Logistics Centre and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1a**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is paved and currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible via Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, the applied use comprises two structures (not exceeding 8m or two storeys in height) for logistics centre use with floor areas of about 4,200m² and 400m² respectively. Two private car parking spaces and two loading/ unloading (L/UL) spaces for medium goods vehicles (MGVs) and heavy goods vehicles (HGVs) are provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not exceeding 0.2m in depth for site formation, enhancing structural stability and vehicular access purposes. The operation hours of the applied use are between 9:00a.m. to 7:00p.m. from Mondays to Sundays, and there will be no operation on public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, satisfactory vehicle manoeuvring space will be provided at the Site. The applicant also submits a drainage proposal and fire service installations (FSIs) proposal in support of the application.
- 1.4 The Site is the subject of 10 previous planning applications including application No. A/NE-MUP/193 for the same use submitted by the same applicant as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 15.3.2024. The planning approval was subsequently revoked on 15.9.2025 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 5 below. Compared with application No. A/NE-MUP/193, the major development parameters generally remain unchanged, except for an additional structure, increase of maximum number of storeys from one to two, and minor reduction of the site area and total floor area. A comparison of the major development parameters between the current application and application No. A/NE-MUP/193 is set out below:

Major Development Parameters	Previously Approved Application (No. A/NE-MUP/193) (a)	Current Application (No. A/NE-MUP/220) (b)	Difference (b) – (a)
Site Area (about)	5,240m ²	5,120m ²	-120m ² (-2%)
No. of Structure(s)	1	2	+1
Total Floor Area (about)	4,800m ²	4,600m ²	-200m ² (-4%)
Max. No. of Storey	1	2	+1
Building Height	Not exceeding 8m	Not exceeding 8m	same
No. of Private Car Parking Spaces	2	2	same
No. of L/UL Spaces for HGVs and MGVs	2	2	same

- 1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 10.11.2025 **(Appendix I)**
 (b) Supplementary Information Received on 14.11.2025 **(Appendix Ia)**
 (c) Further Information (FI) received on 30.12.2025[#] **(Appendix Ib)**
[#]*accepted and exempted from publication and recounting requirements*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, supplementary information and FI at **Appendices I to Ib**, as summarised below:

- (a) the Site falls within the Category 2 areas under the Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G). The applied use serves to meet the land demand for open storage and port back-up uses, which are affected by the land resumption of government development project;

- (b) there are no active agricultural activities at the Site and its vicinity. Approval of the application on a temporary basis will not prejudice the future long-term planning of the area. The applicant will reinstate the Site upon expiry of the planning approval;
- (c) the surrounding areas of the Site are generally occupied with temporary structures and squatters. The applied use is considered not incompatible with the surrounding areas;
- (d) the Site is the subject of a previously approved application (No. A/NE-MUP/193). As the applicant did not have sufficient time to implement the relevant proposals, the previous approval was revoked due to non-compliance with approval conditions. The applicant advises that he has already appointed relevant contractors and undertakes to comply with relevant approval conditions should the subject application be approved;
- (e) the applied use and regularisation of filling of land do not involve tree felling, and no adverse environmental or traffic impacts are anticipated; and
- (f) should the application be approved, the Site will be developed in accordance with the approved scheme, and the applicant will submit application for Short Term Waiver (STW) and Short Term Tenancy (STT) accordingly.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB PG-No. 31B is not applicable.

4. Background

The Site was the subject of seven planning enforcement cases against unauthorized development (UD) involving storage use. For the latest planning enforcement case, an Enforcement Notice was issued on 1.8.2023. Subsequent site inspection revealed that the UD was discontinued. The Compliance Notice was issued on 8.2.2024.

5. Town Planning Board Guideline

TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

- 6.1 The Site is in part or in whole the subject of 10 previous applications for different uses. Among them, six applications (No. A/NE-MUP/19, 54, 55, 148, 152 and 154) for various uses, including temporary open storage, warehouse, wholesale trade, shop and services, and land filling for permitted agricultural use, were rejected by the Committee or by the

Board on review between 1997 and 2021. Another three applications (No. A/NE-MUP/166, 182 and 192) for temporary animal boarding establishment (dog kennel) and temporary open storage were approved with conditions in 2023 by the Committee. The planning considerations of these previous applications are not relevant to the current application which is for a different use.

- 6.2 The remaining application No. A/NE-MUP/193 for the same use submitted by the same applicant as the current application was approved with conditions by the Committee on 15.3.2024 mainly on the considerations that the application generally complied with TPB PG-No. 13G in that the site fell within the Category 2 areas and there was no major adverse departmental comment or the concerns of the departments could be addressed by relevant approval conditions. While the applicant complied with the approval conditions on the submission of drainage and FSIs proposals and the implementation of traffic management measures, the planning approval was subsequently revoked on 15.9.2025 due to non-compliance with approval conditions on the implementation of drainage and FSIs proposals, as well as the submission of the design and provision of vehicular run-in/out to the application site.
- 6.3 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. Similar Application

- 7.1 There is a similar application (No. A/NE-MUP/211) for proposed temporary logistics centre for a period of three years and associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 28.2.2025 mainly on the considerations similar to those mentioned in paragraph 6.2 above.
- 7.2 Details of the similar application are summarised at **Appendix IV** and its location is shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 8.1 The Site is:
 - (a) paved and currently used for the applied use without valid planning permission; and
 - (b) accessible via Sha Tau Kok Road – Wo Hang.
- 8.2 The surrounding areas are of rural character mainly comprising warehouses, storage yards, residential dwellings (the nearest at the immediate south of the Site), and active and fallow agricultural land. There is a logistics centre on the immediate west of the Site with valid planning permission (application No. A/NE-MUP/211).

9. **Planning Intention**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. **Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices V and VI** respectively.
- 10.2 The following government departments have adverse comment on or do not support the application:

Land Administration

- 10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;
- (c) the Site is covered by a LoA No. L5312 which is issued for erection of temporary agricultural structures. His office reserves the rights to take enforcement action for irregularities and cancel of the LoA as appropriate;
- (d) the following irregularities covered by the application have been detected by his office:

unauthorised structure within the said private lots covered by the planning application

he has reservation on the application since there are unauthorised structures on the private lots which are already subject to lease enforcement actions according to case priority. The lot owners should rectify/regularise the lease breaches as demanded by LandsD;

unlawful occupation of GL adjoining the said private lots with unauthorised structures covered by the planning application

the GL within the Site (about 228m² as mentioned in the Application Form) has been illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owners/applicant shall remove the unauthorised structures immediately and, subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for STW and STT to permit the structures erected/to be erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorised structures were erected and occupation of GL as well as administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the applied use is temporary in nature, only erection of temporary structures will be considered;
- (f) unless and until the unauthorised structures and unlawful occupation of GL are duly rectified by the lot owners, he has adverse comment on the application which must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix VI**.

Agriculture

10.2.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

the Site falls within the "AGR" zone. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective.

Environment

10.2.3 Comments of the Director of Environmental Protection (DEP):

- (a) since heavy vehicle is involved and residential dwelling is identified within 100m from the application boundary, he is unable to lend support to the planning application from environmental perspective;
- (b) since there is no further land filling under the application, he has no comment on the proposed regularisation of land filling from environmental planning perspective;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 18.11.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix VII**). A comment from an individual objects to the application mainly on the grounds that the Site is occupied with alleged unauthorised structures; occupation of GL is involved; and the previous application was revoked due to non-compliance with approval conditions. The remaining comment from a member of the North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics centre and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on temporary basis of three years.
- 12.2 The application involves regularisation of filling of land for the whole Site with concrete of about 0.2m in depth for site formation, enhancing structural stability and vehicular access purposes. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint while DEP has no comment on the proposed regularisation of filling of land from environmental planning perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The Site is situated in an area of rural character mainly comprising warehouses, storage yards, a logistics centre with valid planning permission, residential dwellings, and active and fallow agricultural land. The Chief Town Planning/Urban Design and Landscape of

Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective, and considers that the applied use is not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the applied use is not anticipated.

- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services (D of FS) and Chief Highway Engineer/New Territories East of Highways Department (CHE/NTE, HyD) have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. DEP is unable to lend support to the application as the applied use involves the use of heavy vehicles and residential dwelling is identified within 100m from the application boundary. Nevertheless, no environmental complaint against the Site was recorded in the past three years. Should the application be approved, the applicant will be advised to implement the relevant requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Site is in part or in whole the subject of 10 previous applications. Among them, application No. A/NE-MUP/193 for the same use submitted by the same applicant as the current application was approved with conditions by the Committee in 2024 as detailed in paragraph 6.2 above. The planning approval was subsequently revoked on 15.9.2025 due to non-compliance with approval conditions. The applicant advises that he has appointed contractors and undertakes to comply with relevant approval conditions should the current application be approved. Relevant departments including CE/MN, DSD, D of FS and CHE/NTE, HyD have no in-principle objection to the application. Compared with the approved previous application (No. A/NE-MUP/193), the major development parameters in the current application generally remain unchanged, except for erection of an additional structure, increase of maximum number of storeys from one to two, and minor reduction of the site area and total floor area. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 There is also a similar application for temporary logistics centre within the same "AGR" zone in the vicinity of the Site in the past five years, which was approved with conditions by the Committee in 2025 as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved application. Approval of the current application is in line with the Committee's previous decision.
- 12.7 Regarding the public comments as detailed in paragraph 11, the government departments' comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, PlanD has no objection to the application.

- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 9.1.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.7.2026;
- (b) in relation to (a) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.10.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.7.2026;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.10.2026;
- (f) the submission of the design of vehicular run-in/out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.7.2026;
- (g) in relation to (f) above, the provision of vehicular run-in/out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.10.2026;
- (h) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning condition (a), (b), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use with associated filling of land is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form with attachments received on 10.11.2025
Appendix Ia	Supplementary Information Received on 14.11.2025
Appendix Ib	FI received on 30.12.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Application
Appendix V	Government Departments’ General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Plans A-1a and A-1b	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JANUARY 2026**